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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN THE MATTER OF THE SEARCH
OF

INFORMATION CONTAINED IN OR
ASSOCIATED WITH THE ACCOUNT OF
INSTAGRAM USER "1life_2finesse".

CASE NO. 19-1960-SAG

RELATED CASES:

JKB-19-0271
19-1631-SAG to
19-1633-SAG;
19-0559-JMC;
19-0904-ADC.

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AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent Brendan Plasha, being duly sworn, depose and state that:

PURPOSE OF THE AFFIDAVIT

1. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Instagram to disclose to the government records and other information in its possession, pertaining to the subscriber or customer operating the account associated with Instagram user identification: "1life_2finesse", located at https://www.instagram.com/1life_2finesse/ and believed to have been used by or associated with Kelvin McFadden that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC ("Instagram"), a social networking company headquartered at 151 University Avenue, Palo Alto, California 94301. The information to be searched and seized is described in the following paragraphs and in Attachments A and B.

The United States has probable cause to believe that the sought after records and other information associated with the Instagram account will provide evidence of violations of 18 U.S.C. §1951(a) (Affecting Interstate Commerce by Robbery).

JURISDICTION

2. This Court has jurisdiction to issue the requested warrants because it is "a court of competent jurisdiction" as defined in 18 U.S.C. § 2711. See 18 U.S.C.

§ 2703(c)(1)(A). Specifically, the Court is “a district court of the United States (including a magistrate judge of such court) . . . that--has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

AGENT BACKGROUND

3. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), and have been since 2015. I am currently assigned to the ATF Baltimore Field Division, Baltimore Field Office. I attended the United States Department of Homeland Security’s Criminal Investigator Training Program and ATF’s Special Agent Basic Training, both located in Glynco, Georgia, for a combined period of twenty-six weeks. I have received extensive training, both formal and on-the-job, in the provisions of the Federal Firearms Laws and Federal Narcotics Laws administered under Title 18, Title 21, and Title 26 of the United States Code. As an ATF agent, I have conducted and participated in numerous investigations concerning violations of federal firearm laws, violations of federal controlled substance laws, and the commission of violent crimes. I have received specialized training regarding, and have personally participated in, various types of investigative activities, including: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants, and other individuals who have knowledge concerning violations of federal firearms and controlled substance laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) electronic surveillance through the use of pen registers and trap and trace devices; (g) the court-authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (h) the handling, maintenance, and examination of evidence, including wireless telephones and computers.

4. As a Special Agent with the ATF, I am authorized to investigate violations of laws of the United States and as a law enforcement officer with the authority to make arrests and execute warrants issued under the authority of the United States.

5. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, police officers and detectives, witnesses, and reports. Since this affidavit is being submitted for the limited purpose of establishing probable cause for securing the search warrant, I have not included every fact known to me concerning the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violation of 18 U.S.C. § 1951(a) (Robbery Affecting Commerce) will be found in the sought after records and other information associated with the Instagram account.

TECHNICAL BACKGROUND

6. Facebook owns and operates Instagram, which is a free access social networking website that can be accessed at <https://Instagram.com>. Instagram allows users to establish accounts with Instagram, and users can share photos, videos, and comments about the content posted to a particular Instagram account. Users can also control who can view their account.

7. When an Instagram user creates an Instagram account, they can provide biographical information and other personal information. This information may include the user's full name, birth date, contact email addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

8. Instagram users can exchange private messages on Instagram with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "inbox" on Instagram. Instagram stores copies of messages sent and received by an account holder. Instagram users can attach photos or videos to the messages. Instagram will often store this media as well.

9. Instagram also retains Internet Protocol "IP" logs for a given user ID or IP addresses. These logs may contain information about the user ID or IP address on Instagram, including information about the type of action, date and time of the action, and the user ID and IP address

DAL

associated with the action. As a case in point, if a user views an Instagram account, that user's IP log would reflect the fact that the user viewed the profile and the IP log would also show when and from what IP address the user did so. The information regarding IP addresses is useful in the development of further investigative leads. The IP address can tell investigators the type of internet service used, whether that IP address was accessed through a mobile device or a router, and in the event the IP address was accessed by a mobile device, subscriber information regarding a mobile device can be obtained.

10. Put simply, information stored in connection with an Instagram account may provide crucial evidence of the "who, what, why, where, when, and how" of the criminal conduct under investigation. In my training and experience, an Instagram user's IP log, stored electronic communications, and other data retained by Instagram's servers can indicate who has used or controlled an Instagram account. This user attribution evidence is similar to the search for evidence that indicates occupancy of a residence subject to a search warrant. Instagram IP logs can provide information of a user's physical location on a given date and time, which can, in turn, help investigators understand the chronological and geographic context of a crime. Instagram allows users to "geotag" their location in photographs and videos. This geographic and temporal information may tend to either inculpate or exculpate a particular Instagram account holder. Lastly, Instagram account activity may provide relevant insight into the account user's state of mind as it relates to the offense under investigation. For example, postings on a particular account may indicate the user's motive and intent to commit a crime, it may show the association between confederates in a conspiracy (e.g., group photos), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement). In this case, postings on a particular account could also show evidence in the form of articles of clothing worn by robbers during the commissions of the robberies.

DAL

11. There is reason to believe that Instagram is still in possession of records relating to the account “1life_2finesse”. First, an open-source internet search conducted on June 1, 2019, still shows the account as viewable online. Second, through Facebook’s online law enforcement portal, a preservation request was sent to Instagram/Facebook, requesting that steps be taken to preserve records and other evidence associated with the account. *See* 18 U.S.C. § 2703(f).

PROBABLE CAUSE

12. Between May 25, 2018 and September 1, 2018, there were a total of 18 robberies that occurred in Baltimore City, Baltimore County, and Anne Arundel County that share common characteristics and are linked together by various pieces of evidence. The robberies occurred in geographic and temporal clusters. Additionally, groupings of these robberies appear to have involved similar looking weapons and clothing. There is also forensic evidence, in the form of fingerprints, that link Stewart Williams and Kelvin McFadden to several robberies. Finally, there is surveillance footage of many of these robberies.

13. The below chart lists the entire series of robberies.

	Date	Business Name	Location
1	5/25/2018 9:33pm	Conrad's Crabs and Seafood Market	1720 E. Joppa Rd, Parkville, MD 21234
2	6/10/2018 8:23pm	Pappas Liquor Store	1725 Taylor Ave, Parkville, MD 21234
3	6/20/2018 9:04pm	Smoothie King	1830 York Rd, Lutherville-Timonium, MD 21093
4	6/20/2018 9:17pm	Padonia Liquors	51 E. Padonia Rd, Lutherville-Timonium, MD 21093
5	6/20/2018 10:10pm	Liquor Mart	833 Taylor Ave, Towson, MD 21286
6	7/10/2018 11:00pm	Group of Individual Victims	1700 Yakona Rd, Baltimore City, MD 21234
7	7/11/2018 9:55pm	Individual Victim	8625 Walther Blvd, Baltimore City, MD 21236

8	7/11/2018 9:57pm	Walther Liquors	8625 Walther Blvd, Baltimore City, MD 21236
9	7/18/2018 11:07pm	Harford Beverage	7732 Harford Rd, Parkville, MD 21234
10	7/20/2018 6:14pm	C-Mart	8039 Fort Smallwood, Riviera Beach, MD 21226
11	7/22/2018 1:31am	Wawa (attempted)	8300 Veterans Highway, Millersville, MD 21108
12	7/26/2018 5:50pm	8 Days A Week Convenience Mart	1700 Taylor Ave, Parkville, MD 21234
13	8/5/2018 9:25pm	John's Liquor and General Store	812 Duvall Hwy, Pasadena, MD 21122
14	8/18/2018 9:50pm	Quick Stop Food Mart	3301 E Joppa Rd, Parkville, MD 21234
15	8/21/2018 9:50pm	GameStop	3611 Washington Blvd, Halethorpe, MD 21227
16	8/25/2018 10:54pm	GameStop	6901 Security Blvd, Baltimore City, MD 21207
17	8/28/2018 10:50pm	GameStop	1004 Taylor Ave, Towson, MD 21286
18	9/01/2018 10:35pm	GameStop	6370 York Rd, Baltimore, MD 21212

14. On June 22, 2018, Michael Arnold was arrested in Anne Arundel County while attempting to rob a Wawa (07/22/2018).

15. After Arnold's arrest, based on Arnold's physical appearance and other evidence, investigators identified multiple robberies of convenience and liquor stores that they believed Arnold and other co-conspirators were responsible for or involved with.

16. Arnold has been charged in Anne Arundel County with the C-Mart robbery (7/20/2018) and the Wawa attempted robbery (7/22/2018). Your affiant understands that Arnold has reached a plea agreement with the state prosecutor for those crimes.

17. After being originally charged by the State of Maryland, on May 30, 2019, a Federal

Grand Jury indicted Stewart Williams and Kelvin McFadden with three counts of violating 18 U.S.C. § 1951(a), two substantive counts and a conspiracy count. (JKB-19-0271).

18. On September 1, 2018, Stewart Williams and Kelvin McFadden were arrested in Baltimore City after leading police on a high speed chase following the robbery of a GameStop. That robbery involved the taking of U.S. currency and video game systems. Police were able to track the location of the car using a “cash tracker” that was taken by the robbers amongst cash stolen during the GameStop robbery. Police obtained a search warrant for the car, which they also learned was registered to McFadden. During that search, police recovered numerous pieces of evidence, including the cash tracker, a black BB/replica gun matching the gun used by robbers during the four GameStop robberies, numerous game systems, two hats that matched hats worn by the robbers who had just committed the 9/1/2018 GameStop robbery, and two cell phones. One of the matching hats recovered from the car was a blue hat with a white star. The other hat was a San Antonio Spurs hat. Images of both are below.





19. A photograph of the rear portion of the dark-colored Honda Accord that was registered to Kelvin McFadden and searched pursuant to the warrant is below.



20. After the arrest of Williams and McFadden, investigators executed a search warrant

for the location to which the pair had fled, an apartment located on 922 N. Stricker Street in Baltimore. Among other items, investigators recovered a burgundy or maroon shirt that was found in a trashcan within the apartment. That shirt matched one worn by one of the robbers during the 9/1/2018 GameStop robbery. A photograph is included below.



21. After the arrest of Williams and McFadden, based on their physical appearance and other evidence, investigators identified multiple robberies of stores, convenience stores and liquor stores that they believe Williams and McFadden and certain co-conspirators were responsible for or involved with.

22. For example, investigators reviewed surveillance footage of the robberies of all four GameStops, each of which involved two black males entering and robbing the stores. The appearance of those two robbers was consistent with Stewart Williams and Kelvin McFadden for each GameStop robbery. Still images from surveillance footage captured the robbers as they left the GameStop stores after completing the robberies. Still images of the robbers from the 8/28/2018 and 9/1/2018 GameStop robberies captured photos of the two different robbers wearing what appears to be the same hat during the two different robberies, a blue hat with a white star. A still

image from the 9/1/2018 robbery shows one of the robbers, who is wearing a blue hat with a white star, wearing a shirt that matches the one recovered ripped up inside a trash can at 922 N. Stricker Street. Additionally, the San Antonio Spurs hat that was recovered also matches one worn by the two different robbers on different days of GameStop robberies. Some example images are below.



GameStop 8/21/2018 Washington Boulevard, Halethorpe, MD 21227



GameStop 8/28/2018 1004 Taylor Avenue, Towson, MD 21286



GameStop 9/1/2018 6370 York Road, Baltimore MD



GameStop 9/1/2018 6370 York Road, Baltimore MD

23. Additionally, relying on the serial number located on a receipt from a pawn store, investigators were able to determine that one of the game consoles stolen from the 08/28/2018 GameStop robbery was sold to a pawn shop by Kaela McFadden, Kelvin McFadden's sister.

24. Based on records recovered from Sony, investigators were able to determine that the same game console pawned by Kaela McFadden was linked with a Sony Account associated with the online ID "KeezDaCapo." The KeezDaCapo account was created on 8/28/2018 and includes the listed name of Kelvin McFadden and the listed phone number of 443-890-7949. Subscriber information records from TracFone for the phone number 443-890-7949 list Kelvin McFadden as the subscriber.

25. Investigators recovered a phone from Arnold's person after he was arrested for the attempted robbery of the Wawa on 7/22/2018. As mentioned above, two phones were recovered during a search warrant execution of McFadden's car after Williams and McFadden were arrested

for the robbery of the GameStop on 9/1/2018.¹

26. Investigators confirmed that the phone recovered from Arnold, was in fact used by Arnold and belonged to him and was associated with 410-585-7592 by executing a search warrant on the phone.²

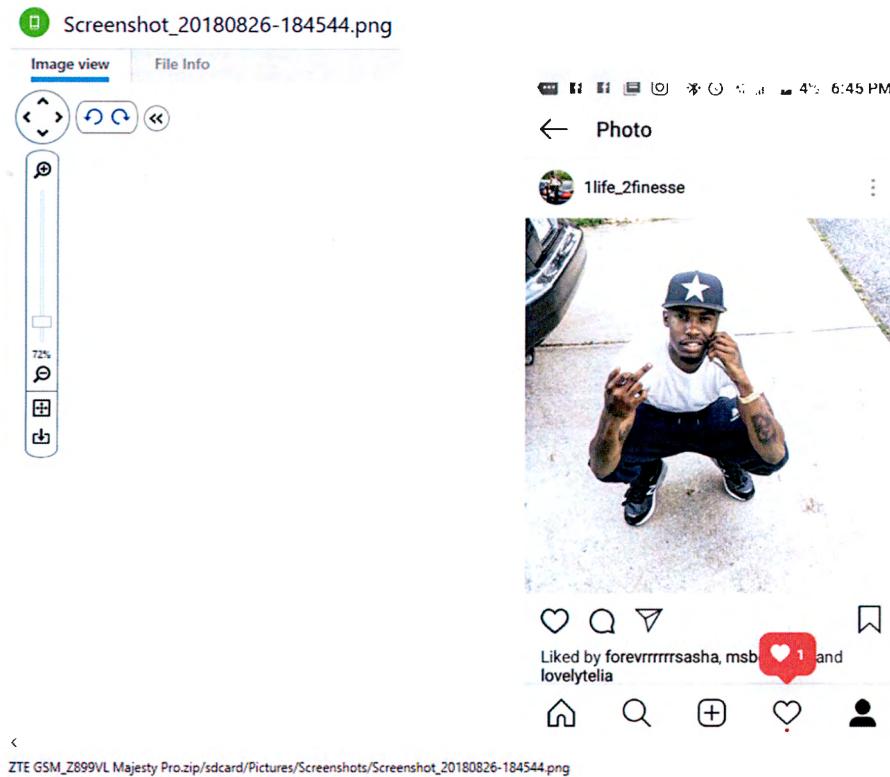
27. On February 12, 2019, The Honorable J. Mark Coulson, United States Magistrate Judge for the District of Maryland, signed a warrant authorizing the search three cell phones associated with Stewart Williams, Kelvin McFadden, and Michael Arnold, respectively, among other searches. *See* Misc. No. 19-0559-JMC.

28. After a search of the phone associated with Kelvin McFadden, I discovered pictures on the device of Kelvin McFadden, further leading me to believe that the device did in fact belong to Kelvin McFadden. Furthermore, the phone's extraction report lists 443-890-7949 as associated with the SIM card within the telephone.

29. A further search of this phone recovered the following picture of Kelvin McFadden, in a blue hat with a white star, associated with the "1life_2finesse" Instagram account.

¹ Investigators obtained a state search warrant the search of the 2003 Honda Accord that was registered to McFadden and was involved in the high-speed chase following the final Gamestop robbery (9/1/2018). That search warrant also authorized state investigators to search for "Any and all cell phones" within the car and permitted them to undertake the "search and recovery, (download), of all data from within". For the purposes of this affidavit, federal investigators are not relying on any information or evidence obtained from the state download of the phones associated with Stewart Williams or Kelvin McFadden. I previously sought, and received, a federal search warrant for all three phones associated, respectively, with Stewart Williams, Kelvin McFadden, and Michael Arnold. 19-0559-JMC.

² State investigators obtained a warrant to search Arnold's phone and seize relevant evidence, fruits, and instrumentalities related to the robberies. While the state search of that phone yielded information that is helpful to this investigation, I also sought and received a federal search warrant for the phone. 19-0559-JMC.



30. A subsequent open-source internet search located the following Instagram account for “1life_2finesse”. The photo associated with the account appears to depict Kelvin McFadden sitting on a dark-colored Honda, and the numbers “UXT 800” are visible on the Virginia license plate. As depicted above, the license plate on McFadden’s car on the day that police searched it was Virginia “UXT 8003”.



31. Accordingly, there is probable cause to believe that the “1life_2finesse” account belongs to or is associated with Kelvin McFadden.

CONCLUSION

32. Based on the above, I respectfully submit that there is probable cause to believe that Williams, McFadden, and Arnold have violated Title 18 U.S.C. § 1951(a) (Affecting Interstate Commerce by Robbery), and that there is probable cause to believe that evidence of these crimes, including potential photographs, communications, or information that links Kelvin McFadden, Stewart Williams, and/or Michael Arnold together or with other co-conspirators will be recovered from the information and records sought.

33. I respectfully request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

34. I respectfully request that the Court issue a search warrant to search the account listed in Attachment A and seize evidence, records, and items described in Attachment B.

35. Because the warrant will be served on Instagram who will then compile the information at a time convenient to them and because the warrant does not involve entry on to physical premises, reasonable cause exists to permit the execution of the requested warrants at any time in the day or night.

36. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.



Special Agent Brendan Plasha
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Subscribed to and sworn before me this 4th day of June, 2019



THE HONORABLE STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A TO SEARCH WARRANT

Property to Be Searched

a. **Instagram user “1life_2finesse”, located at**

https://www.instagram.com/1life_2finesse/, and having been used by or associated with Kelvin McFadden.

that is stored at premises owned, maintained, controlled, or operated by Instagram, a company headquartered at 151 University Avenue, Palo Alto, California, 94301.

ATTACHMENT B TO SEARCH WARRANT

Particular Things to be Seized

To the extent that information described in Attachment A is within the possession, custody, or control of Instagram, Instagram is required to disclose the following information, dating back from January 1, 2018 through the present, to the government for:

- a. **Instagram user “1life_2finesse”, located at**

https://www.instagram.com/1life_2finesse/, and having been used by or associated with Kelvin McFadden.

in any form, in the possession of Instagram, headquartered at 151 University Avenue, Palo Alto, California, 94301, which pertain to **Instagram user “1life_2finesse”**, including but not limited to:

- a. Account contact information (including subscriber's full name, birth date, address, telephone numbers, contact e-mail addresses, screen names/profiles, websites, account/user identification numbers, status of account, duration of account, method of payment, and other personal identifiers).
- b. All records pertaining to communications between Instagram and any person regarding the user or user's Instagram account (including terms of service, contacts with support services and records of actions taken).
- c. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service including any credit card or bank account number).
- d. All connection logs and other records of user activity for the account (method of connection, data transfer volume, the subscriber account associated with the connection, telephone caller identification or ANI records, and other connection information, such as the Internet Protocol (IP) address of the source of the connection). All IP logs, including all records of the IP addresses that logged into the account.
- e. All Photoprints, including photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them.

- f. All Neoprints, including profile contact information; Mini-Feed information; status updates, links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Instagram user identification numbers; groups and networks of which the user is a member, including the groups' Instagram group identification numbers; future and past event postings; rejected or pending "Friend" requests; comments, gifts; pokes; tags; and information about the user's access and use of Instagram applications.
- g. All information about the user's access and use of Instagram Marketplace.
- h. All privacy settings and other account settings.
- i. All other communications and messages made or received by the user, including all private messages and the existence and content of all e-mail sent from, sent to, or received by, delivered or undelivered (read or unread).
- j. File transfer data uploaded or downloaded by the user.
- k. Any information used by the user for web pages or web sites.
- l. Logs maintained for any names on the "Friend list" described above, and for the senders and recipients of the e-mail described above, for any such names, senders and recipients who are subscribers of customers of Instagram.
- m. All exchangeable Image File Format (EXIF) data.
- n. All stored communication, both retrieved and unretrieved, and other files controlled by user accounts owned by:
 - i. **Instagram user "1life_2finesse"**, located at
https://www.instagram.com/1life_2finesse/, and having been used by or associated with Kelvin McFadden.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of federal law, including 18 U.S.C. § 1951(a) by Stewart Williams, Kelvin McFadden, Michael Arnold, and any known or unknown confederates, co-conspirators, or accomplices, including, information pertaining to the following matters:

(a) Evidence of the clothing worn during the commission of the offenses; photographs of any items or objects used during the commission of the offenses, including real or replica firearms, vehicles, bags, etc.; photographs depicting any confederates, co-conspirators, or accomplices in the suspected conspiracy; comments and captions describing the commission of the robberies, the theft of items and currency, or the sale of criminally obtained proceeds from the robberies; photographs of United States currency; photographs of stolen merchandise, including game systems; messages between co-conspirators preparing to commit the crimes or conversations after the crime has occurred;

(b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;

(c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;

(d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s);

(e) The identity of the person(s) who communicated with the user ID about matters related to committing robberies or a conspiracy to commit robberies, or membership in groups that promote and/or perpetrate such activity, including records about their identities and whereabouts; and

(f) Registration data to include the original IP address that was used to create the Target Account; any physical addresses associated with the account; any phone numbers associated with the account; information concerning or identifying the devices used to access the account. Interests listed and any other user data created at the time the account was created.

III. The government's search

With respect to the search of the information provided pursuant to this warrant by the above-referenced provider, law enforcement personnel will make reasonable efforts to use methods and procedures that will locate and expose those categories of files, documents, communications, or other electronically-stored information that are identified with particularity in the warrant while minimizing the review of information not within the list of items to be seized as set forth herein, to the extent reasonably practicable.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Instagram, Inc. (hereinafter "Instagram"), and my official title is _____. I am a custodian of records for Instagram. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Instagram, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Instagram; and
- c. such records were made by Instagram as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature